

CIA OPERATIONS CENTER

NEWS SERVICE

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Item No. 1

Ref. No.

*PM-COOKE;550

*AIR FORCE OFFICER SET FREE ON SPY CHARGES

DISTRIBUTION II *BY ROBERT CULLEN *ASSOCIATED PRESS WRITER

WASHINGTON (AP) - CHRISTOPHER COOKE, THE TITAN MISSILE OFFICER ACCUSED BY THE AIR FORCE OF DIVULGING VITAL DEFENSE SECRETS TO THE SOVIET UNION, IS A FREE CIVILIAN TODAY. HE EVEN HAS HIS BACK PAY AND ALLOWANCES.

COOKE WAS GIVEN AN "OTHER THAN HONORABLE DISCHARGE" AND RELEASED FROM THE STOCKADE AT FORT MEADE, MD. MONDAY AFTER THE COURT OF MILITARY APPEALS RULED THAT THE AIR FORCE HAD VIOLATED HIS RIGHTS TO DUE PROCESS.

LEAVING FORT MEADE, COOKE AVOIDED REPORTERS. HIS BROTHER MATTHEW, REACHED AT THE FAMILY HOME NEAR RICHMOND, VA., SAID THE 26-YEAR-OLD FORMER SECOND LIEUTENANT WOULD BE SPENDING THE NEXT FEW WEEKS WITH FRIENDS IN NEW YORK IN ORDER TO AVOID THE PRESS.

UNDER MILITARY LAW, THE COURT OF MILITARY APPEALS IS THE HIGHEST TRIBUNAL, AND THE AIR FORCE ACKNOWLEDGED THAT IT HAD NO WAY TO APPEAL THE DECISION.

THE DEFENSE DEPARTMENT, IN A BRIEF STATEMENT, NOTED THAT THE JUSTICE DEPARTMENT WAS STILL INVESTIGATING THE POSSIBILITY OF PROSECUTING COOKE IN A CIVILIAN COURT.

ASSOCIATE ATTORNEY GEN. RUDOLPH GIULIANI, ASKED ABOUT THE DEPARTMENT'S INTENTIONS, SAID NO DECISION HAS BEEN MADE. "WE HAVEN'T GIVEN ANY THOUGHT TO IT."

SPEAKING PRIVATELY, JUSTICE DEPARTMENT ATTORNEYS HAVE SAID THAT THE AIR FORCE'S HANDLING OF COOKE'S CASE IRREPARABLY DESTROYED THE CHANCE THAT ANY BRANCH OF THE FEDERAL GOVERNMENT CAN PROSECUTE HIM.

BUT F. LEE BAILEY, COOKE'S ATTORNEY, SAID HIS CLIENT HAD GOOD REASON TO REMAIN RETICENT BECAUSE ANYTHING HE SAID IN AN INTERVIEW, OR WROTE IN A BOOK, MIGHT STILL BE USED AGAINST HIM. COOKE'S IMMUNITY FROM PROSECUTION APPLIES ONLY TO WHAT HE TOLD THE AIR FORCE DURING AN INTERROGATION, BAILEY SAID.

THE COURT OF MILITARY APPEALS, IN A 2-1 DECISION, SAID THAT THE LEGAL OFFICER WHO SUPERVISED THE CASE, BRIG. GEN. CLAUDE BERGARDEN, HAD FAILED TO MEET THE "MINIMUM STANDARD OF PROFESSIONAL CONDUCT" IN HANDLING THE CASE.

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COOKE/AIR FORCE OFFICER SET FREE

LEAGARDEN, THE STAFF JUDGE ADVOCATE, OR CHIEF COUNSEL, FOR THE STRATEGIC AIR COMMAND SAID THROUGH AN AIR FORCE SPOKESMAN MONDAY THAT HE WOULD HAVE NO COMMENT ON THE DECISION.

THE COURT SAID COOKE AND HIS AIR FORCE DEFENSE ATTORNEY HAD PROPERLY RELIED ON AN ORAL PROMISE FROM LEAGARDEN THAT COOKE WOULD NOT BE PROSECUTED IF HE TOLD AIR FORCE INVESTIGATORS EVERYTHING ABOUT HIS RELATIONS WITH THE SOVIET UNION AND VERIFIED THE STATEMENT WITH A LIE DETECTOR TEST.

COOKE COMPLIED WITH THE OFFER AS HE UNDERSTOOD IT, MAKING A STATEMENT AND PASSING A LIE DETECTOR TEST TO VERIFY IT. AN AIR FORCE OFFICER WHO READ THE STATEMENT, MAJ. GEN. ANDREW PRINGLE, SAID HE CONCLUDED: "WE'VE GOT A TRAITOR ON OUR HANDS."

LEAGARDEN NOW INSISTS THAT HE NEVER OFFERED COOKE SUCH A BROAD GRANT OF IMMUNITY. HE SAYS HE OFFERED IMMUNITY ONLY IF COOKE TOOK A LIE DETECTOR TEST WHICH PROVED HE HAD NOT BEEN INVOLVED IN ESPIONAGE.

BUT LEAGARDEN, AWARE THAT COOKE WAS COOPERATING UNDER THE ASSUMPTION THAT HE HAD IMMUNITY, DID NOTHING TO CORRECT THE OFFICER'S MISCONCEPTION. THIS, THE COURT FOUND, VIOLATED THE BASIC STANDARDS OF PROSECUTORIAL BEHAVIOR AND JUSTIFIED COOKE'S PETITION FOR DISMISSAL OF THE CHARGES.

THE AIR FORCE HAS NEVER SPECIFIED EXACTLY WHAT COOKE TOLD THE SOVIETS. HIS VERIFIED STATEMENT, TERMED A "CONFESSION" IN JUDGE ALBERT FLETCHER'S OPINION, IS CLASSIFIED.

THE TITAN II MISSILE ON WHICH COOKE WORKED IS 20 YEARS OLD AND OBSOLETE. THE PENTAGON HAS ANNOUNCED PLANS TO SCRAP THE 34 REMAINING IN SERVICE.

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